

NEVADA ENVIRONMENTAL COMMISSION

STATE FISCAL YEAR 1996

JULY 1, 1995 TO JUNE 30, 1996

QUARTERLY REPORTS

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF JULY THROUGH SEPTEMBER 1995
1ST QUARTER SFY 1996**

The Environmental Commission did not hold any regulatory hearings during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) of state fiscal year 1996.

State Environmental Commission	1st	2nd	3rd	4th	Total
Number of public hearings	0				0
Number of appeal hearings	0				0
Number of regulations adopted	0				0
Number of ratification	0				0

Regulatory Commission Hearings

The Environmental Commission did not hold any regulatory hearings during the quarter. Substantial staff work was done to prepare for the SEC hearing scheduled for October 3, 1995 in Las Vegas. Staff worked with the Legislative Counsel Bureau to process the 12 temporary petitions. Staff setup the meeting and prepared the public notice in addition to processing the temporary regulations for permanent adoption during the quarter.

Appeal Hearings

The Environmental Commission did not hold any appeal hearings during the quarter.

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Settlement Ratifications

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1. None	None during 1st Quarter	\$ 0	
QUARTERLY TOTALS		0	
FISCAL YEAR 1996 TOTALS		\$ 0	

Overtime Accrued

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY
David R. Cowperthwaite, Executive Secretary
October 1, 1995

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF OCTOBER THROUGH DECEMBER 1995
2ND QUARTER SFY 1996**

The Nevada State Environmental Commission held **four** regulatory hearings during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) of state fiscal year 1996.

State Environmental Commission	1st	2nd	3rd	4th	Total
Number of public hearings	0	4			4
Number of appeal hearings	0	0			0
Number of regulations adopted	0	13			13
Number of ratifications	0	4			4

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held three regulatory hearings and one related regulatory hearing during the 2nd quarter. The October 3, 1995 held in Las Vegas dealt with the transition of temporary regulations to permanent regulations. The November 7, 1995 hearing held in Winnemucca dealt with to the Humboldt River water quality standards and changes to standards related to water quality toxics and metals. The third regulatory hearing, held on December 12, 1995 in Las Vegas dealt with updates the underground storage tank regulations. The Commission on December 11, 1995 reviewed the status of the opacity regulations that affected the Southern California Edison's Mohave powerplant in Laughlin. The meeting was held in Laughlin.

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OCTOBER 3, 1995 HEARING - LAS VEGAS

Petitions 95003, 95006, 95008, 95009, 95010, 95011, 95012, and 95013 were previously adopted as temporary regulations. Temporary Petition 95007 was allowed to expire on November 1, 1995.

- 1. Petition 95011 (R-033-95)** permanently amended Nevada Administrative Code (NAC) 445B.875 to 445B.897 "Practice Before the Commission" to add a new provision to clarify procedures and establish the conditions for rehearing or reconsideration of Commission appeal hearings.
- 2. Petition 95008 (R-030-95)** permanently amended NAC 444.570 to 444.7499, the solid waste regulations, to extend the date by which disposal sites must obtain financial assurance from April 9, 1995 to April 9, 1997. In addition, reference to incorrect citations of the Nevada Administrative Code in NAC 444.684, 444.6852 and 444.731 are corrected. NAC 444.692 is amended to remove an inappropriate reference to the term "solid sewage". NAC 444.711 and 444.7481 are also amended to clarify the criteria to comply with ground water monitoring requirements for Class II disposal sites.
- 3. Petition 95013 (R-035-95)** permanently amended Nevada Administrative Code 444.570 to 444.7499 "Disposal of Solid Waste". The regulation grants a two year extension of the general effective date for new landfill standards for Class II solid waste landfills from October 9, 1995 to October 9, 1997.
- 4. Petition 96001 (R-027-95)** permanently amended the hazardous waste regulations NAC 444.8427 to 444.948. NAC 444.8427, 444.84275, 444.850, 444.8632 and 444.9452 were amended to update the effective date of federal provisions to July 1, 1995. The proposed amendments modify the regulations pertaining to polychlorinated biphenyls (PCB's) to repeal the state code numbers and the requirement for submission of an annual report to the state by PCB generators. NAC 444.9455 and 444.948 were repealed.

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5. **Petition 95006 (R-028-95)** permanently amended NAC 445A.243 and 445A.244 of the water pollution control regulations to be consistent with current federal regulations. NAC 445A.243 was amended by deletion of the requirement that effluent limitations be expressed by weight in discharge permits. NAC 445A.244 was repealed and supplanted with amendments to provide specific authority for the water pollution discharge permits to include compliance schedules. NAC 445A.297(b) was amended to delete the requirement that U.S. EPA's Regional Administrator provide prior approval of point source discharge mixing zones.
6. **Petition 95009 (R-031-95)** permanently amended NAC 445A.070 to 445A.348 to revise and establish water quality standards for the lake and tributaries of the Nevada portion of the Lake Tahoe Basin. The new standards prescribe the beneficial uses and numeric criteria for: total nitrogen; nitrite; temperature; a biological "escherichia coli" value; total dissolved solids; sulfates; turbidity; sodium absorption; ph; total phosphates; ammonia; and chloride. NAC 445A.122 was amended to add extraordinary and aesthetic value and enhancement of downstream waters as standards applicable for beneficial uses.
7. **Petition 95003 (R-025-95)** permanently amended Nevada Administrative Code 486A.030 to allow the Administrator of the Division of Environmental Protection to determine whether fuels not previously adopted by the Commission meet the clean alternative fuel definition. The regulation also adds new language to NAC 486A that defines the standards to determine whether a fuel is a clean alternative fuel.
8. **Petition 96002 (R-104-95)** permanently amended NAC 486A.030 by making the definition of alternative fuels consistent with NRS 486A.030. The petition deletes language that qualifies reformulated gasoline and reformulated diesel as having to exceed standards for gasoline or diesel fuels commonly available to the general public.
9. **Petition 95012 (R-034-95)** permanently amended 445B.400 to 445B.735 to eliminate the requirements and references for the vehicle emission "enhanced inspection" program previously adopted by the Commission scheduled to be implemented in the Las Vegas Valley. NAC 445B.730, 445B.732 and 445B.733 were repealed and 445B.592 was amended to exempt new motor vehicles from the requirements of an emissions inspection until the third registration.

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10. **Petition 95010 (R-032-95)** permanently amended NAC 445B.001 to 445B.395, the state air pollution regulations. This petition consolidated temporary petitions 95001, 95002, 95004, 95005, and 95010. The petition modified the effective dates of Nevada's Air Quality Operating Permit Program by extending the date of implementation from November 14, 1994 to a date in the future based on the U.S. EPA Administrator's approval of program. In addition, references to Permits to Construct were deleted and supplanted with references to Operating Permits. The petition amended NAC 445B.221 by the adoption by reference of the provisions of 40 C.F.R Part 72, the acid rain provisions of the Clean Air Act. Also amended is NAC 445B.362 and 445B.363 by changing the formula for calculating emissions of particulate matter (PM₁₀). The amendments modify and clarify references to "air contaminant" or "air pollutant" to address "regulated air pollutant". In addition, references to "source" were changed to "stationary source" or "major source". The term "portable source" in NAC 445B.137 was deleted and substituted with "temporary source". The reporting of excess emissions in NAC 445B.232 was clarified and various provisions in the regulations are extended beyond current sunset dates. NAC 445B.327 was clarified such that service and maintenance fees are charged by emission units and not by permitted sources. NAC 445B.295 was amended to provide authority to the Director to establish a list of insignificant activities based upon "de minimis" emissions.

NOVEMBER 7, 1995 HEARING - WINNEMUCCA

1. **Petition 96003 (R-127-95)** is a permanent regulation that amended NAC 445A.202 to 445A.208, water quality standards for the Humboldt River. The petition amended or established beneficial use standards for suspended solids, nitrites, un-ionized ammonia, sulfate, escherichia coli and pH. Additionally, it revised or established requirements to maintain higher quality for pH, total nitrogen and fecal coliform.
2. **Petition 96004 (R-128-95)** is a permanent regulation that revised NAC 445A.144, standards for toxic materials applicable to designated waters. The regulation updated the municipal and domestic supply standards with current federal maximum contaminant levels for various metals, including barium, cadmium, chromium, selenium and silver. In addition, it deleted the aquatic life standard for boron.

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DECEMBER 12, 1995 HEARING - LAS VEGAS

1. **Petition 96005 (R-162-95)** permanently amended NAC 459.9921 to 459.999 to make changes prescribed by Assembly Bill 717 of the 1995 Legislative Session. The amendments added the use of risk based evaluations for the remediation of releases from tank systems and made the requirements for remedial activities to be cost effective. In addition, the petition made minor clarifications as to applicable federal requirements. The petition provides regulatory relief to tank owners and operators.

DECEMBER 11, 1995 HEARING - LAUGHLIN

The Environmental Commission revisited petition 93001 (R-044-93) as temporarily adopted on December 10, 1992 and permanently adopted on September 22, 1993. The petition was permanently effective on October 29, 1993. The Commission reviewed the status of compliance with the adopted regulation by Southern California Edison. The Commission acted to sustain the adopted regulation.

By way of background, Petition 93001 amended Section 445B.357 of the Nevada Administrative Code (NAC), to change the visible emission standard for coal fired steam generating facilities with a heat input of more than 7936 million BTU's per hour which existed prior to 1972. The regulation modified the Southern California Edison's Mohave Generating Station opacity requirements. The amended requirements restricted the facility from discharging particulate matter with an average opacity of not more than 30 percent for any six minute period by April 1, 1994. Prior to the public meeting the Environmental Commission conducted a tour of Southern California Edison's Mohave Powerplant.

SPECIAL NOTE

The State Environmental Commission received a request from the Nevada Mining Association pursuant to NRS 233.064(4) to summarize the action relating to the Commission's adoption of petition 96003 on November 7, 1995. The focus of the request received on November 27, 1995 is to provide a record of decision regarding the sulfate water quality standards for the Humboldt River. This record will be completed in the next quarter.

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Appeal Hearings

The Environmental Commission did not hold any appeal hearings during the quarter. One appeal hearing for the matter between the Division of Environmental Protection's Bureau of Water Pollution Control and the Winnemucca Farms Inc. was scheduled for December 4, 1995. The appellant withdrew the appeal prior to the hearing.

Settlement Ratifications

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1177	Hycroft Resources & Development Inc.	1,000	Humboldt
1183	Cind R Lite Block Co.	1,140	Nye
1169 & 1170	Moltan Company	2,500	Churchill
1189	Cortez Gold Mine	\$ 1,000	Lander
QUARTERLY TOTALS		\$ 5,640	
FISCAL YEAR 1996 TOTALS		\$ 5,640	

Overtime Accrued

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY
David R. Cowperthwaite, Executive Secretary
January 2, 1996

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF JANUARY THROUGH MARCH 1996
3RD QUARTER STATE FY 1996**

The Nevada State Environmental Commission held **ONE** regulatory hearings during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) of state fiscal year 1996.

State Environmental Commission	1st	2nd	3rd	4th	Total
Number of public hearings	0	4	1		5
Number of appeal hearings	0	0	0		0
Number of regulations adopted	0	13	5		18
Number of ratifications	0	4	1		5

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing during the 3rd quarter. The hearing was held on March 26, 1996 in Reno. The hearing focused on amending the air quality regulations with the major petitions focusing on permanent regulations for the heavy duty diesel emission program and overhauling of the air quality permit fees. Other regulatory relief in the area of air quality was to reduce thresholds required to permit hazardous air pollutants. The consultant certification program increased its stringency by requiring certified consultants to attest to documents submitted to the Division of Environmental Protection. At this hearing the Commission ratified the response of the Executive Secretary regarding the request of the Nevada Mining Association to provide a record of decision on the sulfate water quality standards for the Humboldt River (petition 96003, LCB File R-127-95).

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MARCH 26, 1996 HEARING - RENO

- A. Petition 96006** (R-011-96) permanently amends Nevada Administrative Code (NAC) 445B.339 to 445B.351 to make existing State requirements regarding Hazardous Air Pollutants (HAPs) consistent with federal requirements. Redundant regulations regarding the Commission authority to adopt emission standards are proposed to be repealed. The threshold in permitting HAPs emissions is simplified and made consistent with federal regulations. The requirements for sources to develop Best Available Control Technology and Maximum Achievable Control Technology are repealed. The petition amends NAC 445B.339 and 445B.349, and repeals NAC 445B.341, 445B.343, 445B.347, and 445B.351.
- B. Petition 96007** (R-016-96) permanently amended NAC 459.970 to 459.9729, the Consultant Certification program. The revision adds a written statement and original signature to all documents submitted to the State and local political subdivisions. The consultants are required to attest that documents submitted to the state have been prepared under the responsible control of an individual certified by the Division of Environmental Protection.
- C. Petition 96008** (R-018-96) amends NAC 445B.400 to 445B.775 by establishing a program for the regulation of air quality emissions from heavy-duty vehicles as required by Nevada Revised Statute 445.631. The amendments establish an opacity limit for heavy duty vehicle exhaust and revise test procedures and equipment for measuring opacity. NAC 445B.739, 445B.767 was amended and NAC 445B.766 was repealed.
- D. Petition 96009** (R-021-96) permanently amends NAC 445B.001 to NAC 445B.395 by deleting provisions requiring Best Available Control Technology (BACT) for air quality stationary sources not subject to the provisions of 40 C.F.R § 52.21. Also amended is the definition of "major source" by excluding particulate matter greater than 10 microns. In addition, definition of "potential to emit" was amended to eliminate the provision requiring that air quality operating permits be federally enforceable. Citations amended included NAC 445B.028, 445B.094 and 445B.138.

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- E. Petition 96010** (R-027-96) permanently amends NAC 445B.001 to 445B.395 by revising the fee structure for the State's air quality stationary source permitting program. NAC 445B.327 revises the current fee structure for operating permits and annual fees. Fees for Class I and II permits applications are increased and Class II General permits are decreased. The annual emission fee was increased from \$3.36 to \$3.75 per ton, and sources emitting less than 25 tons per year were exempted from annual emissions fees. The annual maintenance fee was eliminated; the annual fee of \$350, charged to sources emitting less than 1 ton per/year, was eliminated, and the annual fee of \$450 for surface area disturbances was eliminated. NAC 445B.331 was also amended to eliminate the distinct fee for reissuance of an expired permit. In addition, the fee for a request for a change of location of an emission unit is reduced from \$90 to \$50.

SPECIAL NOTE

The State Environmental Commission received a request from the Nevada Mining Association pursuant to NRS 233.064(4) to summarize the action relating to the Commission's adoption of petition 96003 on November 7, 1995. The focus of the request received on November 27, 1995 is to provide a record of decision regarding the sulfate water quality standards for the Humboldt River. This record was ratified by the Commission on March 26, 1996 and transmitted to the Nevada Mining Association on March 28, 1996.

APPEAL HEARINGS

The Environmental Commission did not hold any appeal hearings during the quarter. Three appeal hearings for the matter between the Division of Environmental Protection's Bureau of Mining Regulation & Reclamation and the Bureau of Corrective Actions in the matters of Pezzonella, Independence Mining Company and Western Hog Ranch was scheduled and later cancelled prior to hearing due of settlement of withdrawal of the request for hearing.

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SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1193	Ree's Enterprise	600	Pershing
QUARTERLY TOTALS		\$ 600	
FISCAL YEAR 1996 TOTALS		\$ 6,240	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary
April 8, 1996

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF APRIL THROUGH JUNE 1996
4TH QUARTER STATE FY 1996**

The Nevada State Environmental Commission held **ONE** appeal hearings during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) of state fiscal year 1996.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 96 ***
SEC-005	Number of public hearings	0	4	1	0	5	6
SEC-007	Number of appeal hearings	0	0	0	1	1	6
SEC-006	Number of regulations adopted	0	13	5	0	18	12
	Number of ratifications	0	4	1	0	5	-

*** - Performance Measures for State Fiscal Year 1996

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission did not hold a regulatory hearing during the quarter. From a regulatory perspective approximately eight petitions have been submitted to the Legislative Counsel Bureau for drafting as permanent regulations. A hearing will be held in early September regarding these petitions. Below is listing of regulations submitted to the Legislative Counsel Bureau.

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Pet # Description of Petitions

96011 Recycling thresholds & waste tire hauler manifests changes
96012 Solid Waste exemption of Class II sites for gw monitoring
96013 Water Quality Standards for Lake Tahoe Basin #2
96014 Water Quality Laboratory Certification Updates
96015 Water Quality Original Lake Tahoe Basin Regulation Repeal
96016 Hazardous Waste Used Antifreeze management and recycling
96017 Corrective Action UST Cost vs Benefit Criteria
96018 Corrective Action Cleanup Standards and Action Levels

APPEAL HEARINGS

The Environmental Commission held one appeal hearings regarding Verdi Meadows Utilities vs the Bureau of Water Pollution Control. The hearing was conducted on June 18, 1996 in Reno, Nevada. At the hearing, the parties decided to settle the matter by modification of original Order issued by the Division. The Commission, in an unusual action, took jurisdiction over the Order of the Division. No other hearings were scheduled during the quarter.

SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
QUARTERLY TOTALS		\$ 0	
FISCAL YEAR 1996 TOTALS		\$ 6,240	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary
July 1, 1996

